

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: CHENEVICH et al.

Title: SYSTEM AND METHOD FOR STORING,
CREATING, AND ORGANIZING FINANCIAL
INFORMATION ELECTRONICALLY

Appl. No.: 10/799,378

Filing Date: 3/12/2004

Examiner: Robert M. Timblin

Art Unit: 2167

Confirmation Number: 7289

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner:

In accordance with the New **Pre-Appeal Brief Conference Pilot Program**, announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice of Appeal and with the required fee in response to the Final Office Action mailed April 17, 2009, and the Advisory Action mailed June 29, 2009.

I. Objection to Claim 6

On page 2 of the Final Office Action, Claim 6 was objected to because it depended from a canceled claim and because there was no antecedent basis for the term “pre-established criteria.” In the response filed June 17, 2009, Applicants amended Claim 6 merely to provide the requested antecedent basis. In the Advisory Action, the Examiner refused to enter the amendment stating that “automatic association with the created folder using pre-established criteria that includes merchant categories would require further search and/or consideration.” However, this claim element has already been considered in previous claims 4 and 5 which were canceled. *See* Response filed September 28, 2007. Thus, the Examiner has already considered this claim as amended and no new search or consideration is required. Therefore, Applicants respectfully request entry of the amendment to Claim 6.

II. Rejection of Claims 1-3 and 6-9 Under 35 U.S.C. § 103(a)

On page 2 of the Office Action, Claims 1-3 and 6-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Publication No. 2002/0111946 to Fallon

(Fallon), in view of U.S. Patent No. 7,146,367 to Shutt (Shutt), and further in view of U.S. Patent No. 6,859,212 to Kumar (Kumar). Applicants respectfully traverse the rejection of Claims 1-3 and 6-9 because Fallon, Shutt, and Kumar, alone and in combination, fail to teach, suggest, or describe, all of the claim elements as recited in at least Claim 1.

Independent Claim 1, with emphasis added through underlining, recites in part:

receiving user selected filing preferences at the second system from the first system;

providing an online environment by the second system configured ...

to automatically and without human intervention associate the financial document with the created folder based on the received user selected filing preferences so that the financial document is included in the created folder in the online environment hosted at the second system, wherein the online environment displays the financial document in the created folder.

The Examiner states:

Fallon and Shutt do not appear to expressly recite receiving user selected filing preferences and associating the financial document with the created folder based on the received user selected filing preferences.

Kumar, however, teaches receiving user selected filing preferences (col. 39 line 14-15) at the second system from the first system and associating the financial document with the created folder based on the received user selected filing preferences (col. 39 line 8-17 and figures 18-20) for automatically categorizing financial information (i.e. transactions).

Applicants agree that Fallon and Shutt fail to teach, suggest, or describe at least these elements as recited in Claim 1. Applicants, however, respectfully disagree that Kumar teaches at least “automatically and without human intervention associat[ing] the financial document with the created folder based on the received user selected filing preferences so that the financial document is included in the created folder in the online environment hosted at the second system” as recited in Claim 1. Applicants also respectfully submit that the Examiner

Kumar describes “a summary interface ... provided as part of a software suite for enabling viewing and manipulation of multiple categories of aggregated data compiled from a plurality of data sources and accessible through a single interfacing node” (Abstract). At Column 39, lines 8-17 cited by the Examiner, Kumar states:

There are three functional links displayed on the face of interface 243. A Save Categories function 317 allows a user to select categories related to specific accounts and save them to be accessed as new transactions occur. In one embodiment, a user may specifically create categories for certain types of transactions. When new transactions occur, they are automatically categorized according to user preference. In a preferred embodiment however, most transactions can be associated by default with one of the plurality of default categories available.

Thus, Kumar describes sorting transactions based on categories. Kumar does not teach anything whatsoever related to organizing the transactions into folders. As shown in Fig. 21 of Kumar reproduced below, the categories are merely used to organize the display of the transactions within the transaction history.

Transaction Center: Transaction History / All Accounts - By Category; YTD

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<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="6" style="text-align: left; padding: 5px;">Transaction History - All Accounts</th> </tr> <tr> <th style="width: 15%;">Date</th> <th style="width: 30%;">Description</th> <th style="width: 15%;">Category</th> <th style="width: 15%;">Account</th> <th style="width: 15%;">Amount</th> <th style="width: 10%;">Chart</th> </tr> </thead> <tbody> <tr> <td>01/03/00</td> <td>Brake Repair Shop</td> <td>Auto</td> <td>Chase Mastercard</td> <td>\$653.38</td> <td></td> </tr> <tr> <td>03/01/00</td> <td>Big O Tires</td> <td>Auto</td> <td>American Express</td> <td>\$432.21</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: right; padding: 5px;">Auto Total: \$985.75</td> </tr> <tr> <td>02/05/00</td> <td>Pomona College</td> <td>Charitable Contributions</td> <td>First USA Card</td> <td>\$100.00</td> <td></td> </tr> <tr> <td>04/15/00</td> <td>American Heart Association</td> <td>Charitable Contributions</td> <td>First USA Card</td> <td>\$200.00</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: right; padding: 5px;">Charitable Contributions Total: \$300.00</td> </tr> <tr> <td>01/03/00</td> <td>The Filmore</td> <td>Entertainment</td> <td>American Express</td> <td>\$154.32</td> <td></td> </tr> <tr> <td>02/04/00</td> <td>Shoreline Amphitheater</td> <td>Entertainment</td> <td>Chase Mastercard</td> <td>\$88.44</td> <td></td> </tr> <tr> <td>03/03/00</td> <td>TicketMaster</td> <td>Entertainment</td> <td>BankOne Checking</td> <td>\$145.34</td> <td></td> </tr> <tr> <td>04/31/00</td> <td>Great American Music Hall</td> <td>Entertainment</td> <td>American Express</td> <td>\$198.20</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: right; padding: 5px;">Entertainment Total: \$588.30</td> </tr> <tr> <td>01/03/00</td> <td>Final Final</td> <td>Food and Beverage</td> <td>Chase Mastercard</td> <td>\$27.85</td> <td></td> </tr> <tr> <td>04/07/00</td> <td>Clementines</td> <td>Food and Beverage</td> <td>Chase Mastercard</td> <td>\$187.67</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: right; padding: 5px;">Food and Beverage Total: \$215.52</td> </tr> <tr> <td>01/03/00</td> <td>Payment to Bob Formichi</td> <td>Housing</td> <td>BankOne Checking</td> <td>\$1,000.00</td> <td></td> </tr> <tr> <td>02/04/00</td> <td>Payment to Bob Formichi</td> <td>Housing</td> <td>Chase Mastercard</td> <td>\$800.00</td> <td></td> </tr> <tr> <td>03/05/00</td> <td>Payment to Bob Formichi</td> <td>Housing</td> <td>BankOne Checking</td> <td>\$800.00</td> <td></td> </tr> <tr> <td>04/01/00</td> <td>Payment to Bob Formichi</td> <td>Housing</td> <td>American Express</td> <td>\$800.00</td> <td></td> </tr> <tr> <td colspan="6" style="text-align: right; padding: 5px;">Housing Total: \$4,000.00</td> </tr> <tr> <td colspan="6" style="text-align: right; padding: 5px;">Expenses YTD: \$8,067.39</td> </tr> </tbody> </table>						Transaction History - All Accounts						Date	Description	Category	Account	Amount	Chart	01/03/00	Brake Repair Shop	Auto	Chase Mastercard	\$653.38		03/01/00	Big O Tires	Auto	American Express	\$432.21		Auto Total: \$985.75						02/05/00	Pomona College	Charitable Contributions	First USA Card	\$100.00		04/15/00	American Heart Association	Charitable Contributions	First USA Card	\$200.00		Charitable Contributions Total: \$300.00						01/03/00	The Filmore	Entertainment	American Express	\$154.32		02/04/00	Shoreline Amphitheater	Entertainment	Chase Mastercard	\$88.44		03/03/00	TicketMaster	Entertainment	BankOne Checking	\$145.34		04/31/00	Great American Music Hall	Entertainment	American Express	\$198.20		Entertainment Total: \$588.30						01/03/00	Final Final	Food and Beverage	Chase Mastercard	\$27.85		04/07/00	Clementines	Food and Beverage	Chase Mastercard	\$187.67		Food and Beverage Total: \$215.52						01/03/00	Payment to Bob Formichi	Housing	BankOne Checking	\$1,000.00		02/04/00	Payment to Bob Formichi	Housing	Chase Mastercard	\$800.00		03/05/00	Payment to Bob Formichi	Housing	BankOne Checking	\$800.00		04/01/00	Payment to Bob Formichi	Housing	American Express	\$800.00		Housing Total: \$4,000.00						Expenses YTD: \$8,067.39					
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Fig. 21

Kumar further states:

It is noted herein that a user may arbitrarily change a category associated with any line item by simply interacting with the drop-down menus such as menu 315, and selecting an alternate category. By selecting one of the basic categories, transactions are sorted and displayed according to that

category. By selecting one of the subcategories associated with the basic category, transactions are sorted and displayed according to that subcategory.

(Col. 38, lines 25-44; underlining and bolding added). Sorting and displaying a transaction in a transaction history based on a category code is clearly distinct from “associat[ing] the financial document with the created folder based on the received user selected filing preferences so that the financial document is included in the created folder in the online environment hosted at the second system” as recited in Claim 1. Again, Kumar provides no teaching whatsoever for organizing documents into folders. Kumar further does not search across folders, but instead sorts rows in a transaction history based on categories. This is a distinct functionality as shown in Figs. 11-14 of the present invention. Therefore, Kumar fails to teach, suggest, or disclose all of the elements recited in Claim 1. A category is not a folder as the Examiner repeatedly indicates.

Additionally, in the Advisory Action, the Examiner indicates reliance on paragraph [0031] of Fallon. Applicants respectfully disagree. Paragraph [0031] of Fallon fails to provide any teaching whatsoever of “associat[ing] the financial document with the created folder based on the received user selected filing preferences so that the financial document is included in the created folder in the online environment hosted at the second system” as recited in Claim 1. Fallon describes a system in which a user enters a document in a particular category in one of the folders and the system makes the document available in another category based on a pre-defined, fixed relationship between certain categories.

Therefore, Fallon, Shutt, and Kumar, alone and in combination, fail to teach, suggest, or describe, all of the claim elements as recited in at least Claim 1. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 1-3 and 6-9.

III. Rejection of Claims 10-12 and 14 Under 35 U.S.C. § 103(a)

On page 6 of the Office Action, Claims 10-12 and 14 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Fallon in view of Kumar. Applicants respectfully traverse the rejection of Claims 10-12 and 14 because Fallon and Kumar, alone and in combination, fail to teach, suggest, or describe, all of the claim elements as recited in at least Claim 10.

Independent Claim 10, with emphasis added through underlining, recites in part:

an on-line environment for a customer user at a customer user computer connectable to the network to organize, send, search, create, and save financial information using a hierarchy of folders defined by the customer user in the online environment hosted at the host computer, wherein each folder in the hierarchy of folders includes a financial document that includes multiple indicators, wherein the financial document is automatically and without human intervention associated with a folder in the hierarchy of folders based on customer user selected filing preferences received from the customer user

computer, wherein the host computer is configured to provide a search across folders

The Examiner states:

Fallon does not appear to expressly teach [associating the financial document with a folder] based on customer user selected filing preferences received from the customer computer.

Kumar, however, teaches teach [associating the financial document with a folder] based on customer user selected filing preferences (col. 39 line 14-15) received from the customer computer (col. 39 line 8-17 and figures 18-20) for automatically categorizing financial information (i.e. transactions).

Applicants agree that Fallon fails to teach, suggest, or describe at least these elements as recited in Claim 10. Applicants, however, respectfully disagree that Kumar teaches at least “wherein the financial document is automatically and without human intervention associated with a folder in the hierarchy of folders based on customer user selected filing preferences received from the customer user computer” as recited in Claim 10.

The Examiner cites to the identical section of Kumar discussed above with reference to Claim 1. For the same reasons discussed in Section II. above, Applicants respectfully submit that Kumar fails to teach, suggest, or describe at least “wherein the financial document is automatically and without human intervention associated with a folder in the hierarchy of folders based on customer user selected filing preferences received from the customer user computer” as recited in Claim 10.

Therefore, Fallon and Kumar, alone and in combination, fail to teach, suggest, or describe, all of the claim elements as recited in at least Claim 10. An obviousness rejection cannot be properly maintained where the references used in the rejection do not disclose all of the recited claim elements. Therefore, Applicants respectfully request withdrawal of the rejection of Claims 10-12 and 14.

In view of the foregoing, it is respectfully submitted that Claims 1-3, 6-12, and 14 are in condition for allowance.

Respectfully submitted,

By



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Date July 17, 2009

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